

1992

Boyle v. National Union Fire Insurance : Unknown

Utah Court of Appeals

Follow this and additional works at: https://digitalcommons.law.byu.edu/byu_ca1



Part of the [Law Commons](#)

Original Brief Submitted to the Utah Court of Appeals; digitized by the Howard W. Hunter Law Library, J. Reuben Clark Law School, Brigham Young University, Provo, Utah; machine-generated OCR, may contain errors.

Scott W. Christensen, Theodore E. Kanell; Hanson, Epperson and Smith; Attorneys for Appellee. David E. Leta, Paul D. Newman, Jeffrey T. Sivertsen; Snell and Wilmer; Gary N. Anderson; Hillyard, Anderson and Olsen; Attorneys for Appellants.

Recommended Citation

Legal Brief, *Boyle v. National Union Fire Insurance*, No. 920760 (Utah Court of Appeals, 1992).
https://digitalcommons.law.byu.edu/byu_ca1/4755

This Legal Brief is brought to you for free and open access by BYU Law Digital Commons. It has been accepted for inclusion in Utah Court of Appeals Briefs by an authorized administrator of BYU Law Digital Commons. Policies regarding these Utah briefs are available at http://digitalcommons.law.byu.edu/utah_court_briefs/policies.html. Please contact the Repository Manager at hunterlawlibrary@byu.edu with questions or feedback.

Snell & Wilmer
LAW OFFICES

111 East Broadway, Suite 900
Broadway Centre
Salt Lake City, Utah 84111
(801) 237-1900
Fax: (801) 237-1950

FILED

SEP 27 1993

COURT OF APPEALS

SALT LAKE CITY, UTAH

PHOENIX, ARIZONA

TUCSON, ARIZONA

IRVINE, CALIFORNIA

September 24, 1993

David E. Leta (801) 237-1928

Ms. Mary T. Noonan, Court Clerk
Utah Court of Appeals
230 South 500 East, Suite 400
Salt Lake City, Utah 84102

**RE: Supplemental Authority -- Boyle et al. v. National Union Fire
Insurance Company, Case No. ~~920192~~ 920760-CA.**

Dear Ms. Noonan:

Pursuant to Rule 24(j), Utah Rules of Appellate Procedure, Appellants in the above-referenced case supplement their Brief and the record by reference to the case of Barnard v. Wassermann, 215 Ut. Adv. Rpt. 14 (Sup. Ct. Utah, June 17, 1993) on the issue of the appropriate standard of review from a dismissal of a Complaint for failure to state a claim. This issue is an aspect of the above Appeal. The portion of the Barnard decision which is relevant to this issue appears on page 15 as follows:

In reviewing this dismissal, we give no deference to the trial court's ruling and apply a correctness standard. St. Benedict's Dev. v. St. Benedict's Hosp., 811 P.2d 194, 196 (Utah, 1991). In so doing, we must construe the Complaint in the light most favorable to plaintiff and indulge all reasonable inferences in plaintiff's favor. Id.

Pursuant to Rule 24(j), seven copies of this letter are enclosed.

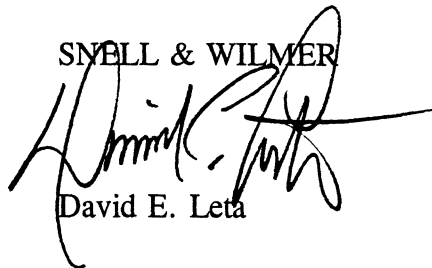
**UTAH COURT OF APPEALS
BRIEF**

AH
CUMENT
U

0
CKET NO. 920760

Sincerely,

SNELL & WILMER



David E. Leta

DEL:djr

cc: Scott W. Christensen, Esq.
Jaryl L. Rencher, Esq.
Gary Anderson, Esq.